

Remarks

Claims 1-25 are pending in the application of which claims 20-24 are withdrawn from consideration.

Claims 1, 4, 10, 13 and 25 are objected to for various informalities.

Claims 1-5, 7-14, 16-19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ylitalo (2004/0204111) and Kekki (2005/0286528).

Claims 6 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ylitalo or Kekki in view of Verma et al. (2005/0210154).

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously

depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Claim Objections

Claims 1, 4, 10, 13 and 25 are objected to, the Examiner stating “Claims 1, 4, 10, and 13, the terms ‘adapted for’ and ‘adapted to’ are not positively recited limitations” and “Claim 25, line 4, it is suggested to replace ‘system’ with --method--.”

With respect to claims 1, 4, 10, and 13, Applicants respectfully disagree. Applicants respectfully submit that each of the “adapted for” and “adapted to” limitations limits the scope of the respective claims in that the inter-working gateway (in claims 1, 4, and 13) is adapted in the manner described and the Node-B (in claim 10) is adapted in the manner described. Applicants note that MPEP § 2111.04 indicates that such language “may raise a question as to the limiting effect of the language in a claim,” not that such language necessarily fails to have a limiting effect. Applicants note that the Examiner has failed to provide any indication as to how use of such language in claims 1, 4, 10, and 13 fails to limit the scope of the claims.

With respect to claim 25, Applicants have herein amended claim 25 as suggested by the Examiner.

Therefore, the objections should be withdrawn.

Rejection Under 35 U.S.C. 102

Claims 1-5, 7-14, 16-19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ylitalo and Kekki. The rejection is traversed.

Anticipation requires the presence, in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim.

Ylitalo fails to disclose each and every element of the claimed invention, as arranged in independent claim 1. Specifically, Ylitalo fails to teach or suggest at least the limitation of “an inter-working gateway adapted for interconnection to the radio network controller and the base station,” as claimed in Applicants’ claim 1.

Rather, Ylitalo discloses a gateway interconnecting an IP BTS of an IP RAN network and an RNC of a UTRAN network. By contrast, Applicants' claim 1 claims an inter-working function adapted for interconnection to a base station of a UMTS network and an RNC of a UMTS network. The IP BTS of the IP RAN, as disclosed in Ylitalo, is not a base station of a UMTS, as claimed in Applicants' claim 1. Thus, Ylitalo fails to teach or suggest at least the limitation of "an inter-working gateway adapted for interconnection to the radio network controller and the base station," as claimed in Applicants' claim 1.

Furthermore, since Ylitalo fails to teach or suggest "an inter-working gateway adapted for interconnection to the radio network controller and the base station," Ylitalo must also fail to teach or suggest the limitation of "the inter-working gateway being further adapted to reformat communications with movable UMTS-based radio-controlled network layer protocols for transport to the radio network controller and to reformat communications with movable Internet radio-controlled network layer protocols for transport to the base station," as claimed in Applicants' claim 1.

Thus, Ylitalo fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1.

Kekki fails to disclose each and every element of the claimed invention, as arranged in independent claim 1. Specifically, Kekki fails to teach or suggest at least the limitation of "the inter-working gateway being further adapted to reformat communications with movable UMTS-based radio-controlled network layer protocols for transport to the radio network controller and to reformat communications with movable Internet radio-controlled network layer protocols for transport to the base station" as claimed in Applicants' claim 1.

Rather, although Kekki discloses an interworking function (IWF), Kekki is primarily directed toward providing interworking in the Iur interface between RNCs of a UMTS network. Furthermore, the portions of Kekki which discuss the Iub interface between a Node B and an RNC of a UMTS network describe an RNC having an IP interface. Specifically, Kekki states that "...the AI-CAP in RNC sends out the Q.2630 ERQ towards the IWF with SUT IE containing the IP transport information." (Kekki, Para. 0044, Emphasis added). By contrast, Applicants' claim 1 includes the limitation

that the inter-working gateway is adapted to reformat communications with movable UMTS-based radio-controlled network layer protocols for transport to the radio network controller. As such, Kekki fails to teach or suggest each and every element of Applicants' claim 1, as arranged in claim 1.

Thus, Kekki fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1.

As such, independent claim 1 is not anticipated by either Ylitalo or Kekki and is patentable under 35 U.S.C. 102. Independent claims 18 and 25 recite relevant limitations similar to those recited in independent claim 1 and, as such, for at least the same reasons discussed above, claims 19 and 25 are also not anticipated by Ylitalo or Kekki and are patentable under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Ylitalo or Kekki.

Therefore, Applicants' claims 1-5, 7-14, 16-19 and 25 are allowable over both Ylitalo and Kekki under 35 U.S.C. 102. The Examiner is respectfully requested to withdraw the rejection.

Rejection Under 35 U.S.C. 103(a)

Claims 6 and 15

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ylitalo or Kekki in view of Verma. The rejection is traversed.

This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Ylitalo and Kekki. Since the rejection under 35 U.S.C. 102 given Ylitalo and Kekki has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Verma supplies that which is missing from Ylitalo and Kekki to render the independent claims anticipated, this ground of rejection cannot be maintained.

Therefore, Applicants' claims 6 and 15 are allowable over Ylitalo or Kekki in view of Verma under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 11/14/07



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808